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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

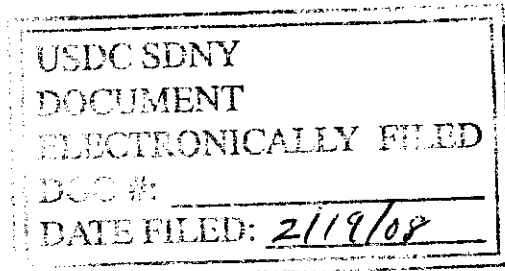
DIRECT MARKETING EDUCATIONAL  
FOUNDATION, INC.,

Plaintiff,

- against -

JOHN WILEY & SONS, INC.,

Defendant.



Case No. 08 CV 1464 (LMM)

**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER**

Upon the declarations of Robert L. Sherman, dated February 14, 2008, Terri L. Bartlett, dated February 12, 2008, John Deighton, dated February 12, 2008, and Russell Winer, dated February 11, 2008, and upon a copy of the summons and complaint and plaintiff's memorandum in support of its motion for a preliminary injunction, all submitted herewith, it is

ORDERED, that the above named defendant show cause before a motion term of this Court, at Room 15D, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on FEBRUARY 26, 2008, at 9:00 o'clock in the FORE noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendant, its officers, agents, servants, employees and attorneys, and those acting in concert with them, during the pendency of this action from:

(1) publishing any "Best of" issue under the name and trademark *Journal of Interactive Marketing*, or under any name that is likely to cause confusion with the Direct Marketing Educational Foundation's ("DMEF") said trademark without DMEF's written approval of the content;

(2) publishing any journal under the name and trademark *Journal of Interactive Marketing*, or under any name that is likely to cause confusion with DMEF's said trademark without DMEF's written approval of the content; and

(3) representing by any means whatsoever, directly or indirectly, that any products or services offered by defendant are associated with, sponsored, endorsed or authorized by, or connected or affiliated with DMEF, except as explicitly provided by the parties' Agreement or with DMEF's written approval; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing and decision on DMEF's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant and its agents are temporarily restrained and enjoined from publishing any journal or other publication bearing or published in connection with DMEF's trademark "Journal of Interactive Marketing" or bearing or published in connection with any name that is likely to cause confusion with DMEF's said trademark until this Court has decided DMEF's motion for preliminary injunction; and it is further

ORDERED that security in the amount of \$ 100,000 be posted by the plaintiff prior to FEBRUARY 19, 2008, at 6:00 o'clock in the AFTER noon of that day; and it is further

ORDERED that personal service or service by email of a copy of this order and all documents submitted herewith, as identified in the first paragraph, above, upon the defendant or

its counsel on or before ~~6:00 P.M.~~ <sup>4:30</sup> o'clock in the ~~AFTER~~ noon, FEBRUARY 15, 2008, shall be deemed good and sufficient service thereof; and it is further

ORDERED that the defendant's opposition papers, if any, are to be served personally or by email upon DMEF's attorneys on or before 12:00 o'clock in the ~~AM~~ noon, FEBRUARY 21, 2008; and it is further

ORDERED that DMEF shall have until FEBRUARY 25, 2008, <sup>NOON</sup> to make its reply to the defendant's opposition papers, if any; and it is further

ORDERED that a Hearing on DMEF's motion for preliminary injunction shall take place before this Court, at Room 15D, United States Courthouse, 500 Pearl Street, in the City, County and state of New York, on FEBRUARY 26, 2008, at 9:00 o'clock in the FORE noon thereof.

Dated: February 15, 2008  
4:16 P.M.

SO ORDERED.

  
United States District Judge